IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

THURSDAY, THE 25TH JANUARY 2007 / 5TH MAGHA 1928

WP(C).No. 30545 of 2006(J)

AGAINST THE ORDER IN IA 597/04 IN
AS.36/2004 of SUB COURT, OTTAPPALAM
OS.94/2001 of MUNI-MAGI.COURT,MANNARKAD
(EP 103/2004)

.....

PETITIONER:

V.J.MATHEW, S/O.VETTUKATTIL JOHN,
VETTUKATTIL HOUSE, IRUMPAKACHOLA P.O.,
PALLAKKAYAM VILLAGE, MANARKAD TALUK,
PALGHAT DISTRICT.

BY ADV. SRI.P.GOPINATH
SRI.R.RAJESH

RESPONDENTS:

BALAKRISHNAN, 48 YEARS,
S/O.KANKUMARE MURUKANDI,
AMBANKUNNU, POTTASSERY AMSOM DESOM,
KANNARKAD TALUK.

BY //

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C) .NO. 30545 OF 2006

Dated 25th January 2007

J U D G M E N T

Petitioner is appellant in A.S.36/04 on the file of Sub court, Ottappalam. Appeal was filed challenging the decree and judgment in O.S.94/01 on the file of Munsiff court, Mannarkad. Petitioner filed an application under Order XLI Rule 5(2) of Code of Civil Procedure to stay the execution of decree. Appellate court directed petitioner to deposit the entire amount covered by the decree including the cost. Petitioner filed I.A.556/05, an application to receive immoveable property as security, instead of cash directed to be deposited. This petition is filed under Article 227 of Constitution of India for a direction to Sub court, Ottappalam to pass appropriate orders in I.A.556/05 within a time frame. Petitioner also submitted that executing court is proceeding with execution of the decree as the order of stay was not granted.

2. Learned counsel appearing for petitioner was

heard.

3. As per order dated 20/11/2006 this court directed the Sub Judge to dispose Ext.P3 application (I.A.556/05) expeditiously. It is reported that still the petition is not disposed and it now stands posted to 8/3/2007 along with the appeal. Sub Judge, Ottappalam is directed to dispose I.A.556/05 within three weeks from the date of receipt of copy of this judgment. Further proceedings in E.P.103/04 in O.S.94/2001 on the file of Munsiff court, Mannarkad is stayed for one month.

Writ petition is disposed accordingly.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.